

DOMESTIC VIOLENCE INITIATIVES

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# IN RESPONSE

*Serving Victims of  
Domestic Violence in  
Underserved Communities*

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# IN RESPONSE

*Serving Victims of  
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Underserved Communities*





***COMMONWEALTH of VIRGINIA***  
***Office of the Attorney General***  
***Richmond 23219***

Jerry W. Kilgore  
Attorney General

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January 1, 2004

Dear Readers:

One of my top priorities as Attorney General is to combat the pervasive and destructive crime of domestic violence in Virginia. As a former state prosecutor, some of the most difficult cases I tried were domestic violence cases because of the physical and emotional scars left on the victims and so often their children.

We have made much progress in Virginia by strengthening our laws, improving the law enforcement process, promoting preventative efforts, and raising awareness. Our work, however, is not done. We must continue our efforts to better serve all victims of domestic violence. This guidebook is designed to assist law enforcement agencies and other criminal justice system agencies in responding to domestic violence in underserved communities.

I hope that you find the information and resources included in this guidebook helpful. Working together, we will make Virginia an even better and safer place to call home.

Sincerely,

A handwritten signature in black ink that reads "Jerry W. Kilgore".

Jerry W. Kilgore

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## *Background*

Most people are aware that domestic violence occurs in each segment of our society. Though fewer in number in comparison to other populations, there are thousands of victims of domestic violence among Native American, Hispanic, and Asian populations.

Experts suggest, however, that many crimes of domestic violence in these populations go unreported, resulting in a challenge for law enforcement and other professionals to effectively assist victims and enforce the law. Researchers and practitioners alike have noted several barriers that make it more difficult to respond effectively to domestic violence.

Representatives of the Office of the Attorney General, Domestic Violence Initiatives, met with numerous members of underserved communities and local professionals to hear first hand the daily challenges they face and to discuss possible solutions. Several of the suggestions from these meetings are included in this guidebook.

Of course, this guidebook cannot serve as the only source of information and guidance to address the complex issue of domestic violence. Effectively addressing this issue requires a long-term commitment by everyone in the community to work together to increase victims' safety and to hold perpetrators responsible for their violent behavior.

## *Native American Communities*

There are over 21,000 people of Native American or Alaska Native descent in Virginia, according to the 2000 U.S. Census. Most of them are members of one of Virginia's eight recognized tribes: (1) Chickahominy, (2) Eastern Chickahominy, (3) Mattaponi, (4) Upper Mattaponi, (5) Monacan, (6) Nansemond, (7) Pamunkey, and (8) Rappahannock. The Mattaponi and Pamunkey tribes are the only two tribes in Virginia that live on reservations. The Mattaponi, Pamunkey, Chickahominy, Eastern Chickahominy, Upper Mattaponi, Rappahannock, Nansemond, and Monacan tribes have sought federal recognition since 2000 and recently have attained some progress in their efforts. Additional information on each of Virginia's Indian Tribes may be found at the Virginia Council of Indians' web site at <http://indians.vipnet.org>.

Information on rates of abuse among Native Americans is limited. However, a survey conducted in Oklahoma found that almost 30% of Native American women experienced physical abuse by an intimate partner, and 20 percent reported emotional abuse that affected their self-worth.<sup>1</sup>

### **Issues to Consider**

Adherence to tribal laws and customs may hinder help-seeking actions by victims. In addition, for victims who reside on one of Virginia's two reservations, leaving the reservation to find safety may be extremely difficult. Once a victim leaves the reservation, he or she may not be permitted to return. Because tribal membership is a key defining aspect of most native communities and an important feature of personal identity,<sup>2</sup> the possible loss of tribal membership can be a strong deterrent to reporting abuse.

*"The biggest problem is the lack of anonymity when someone comes forward and tries to get help."*

---Native American Advocates  
Against Violence (NAAAV) member

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## *Asian/Pacific Islander Communities*

Virginia's Asian population includes individuals of Asian Indian, Chinese, Filipino, Japanese, Korean, and Vietnamese descents, according to the 2000 U.S. Census. The diverse backgrounds represent various languages as well. Languages spoken include Cantonese, Hindi, Japanese, Korean, Lao, Mandarin, Tagalog, and Vietnamese. The 2000 Census data indicate that Fairfax County and the City of Virginia Beach have the largest Asian populations.

As in the case of Native Americans, information on family violence among Asian Americans is limited,<sup>3</sup> but a national survey found that 52 percent of all Asian women had been physically or sexually abused in their lifetime.<sup>4</sup> A recent survey of Asian women in Washington, D.C. by Project AWARE found that a majority of the respondents experienced some form of abuse, but most respondents reported experiencing most abusive behaviors infrequently.<sup>5</sup>

### **Issues to Consider**

One possible barrier to getting help is the lack of awareness of available resources.<sup>6</sup> Low English language skills and the lack of understanding about the criminal justice system for recent immigrants are other possible barriers for Asian victims of abuse. Furthermore, forms of abuse may differ in some Asian communities than are typically seen in other communities. For example, the abuser(s) may include in-laws or other members of an extended family. Finally, some Asian women may accept abuse as a legitimate form of discipline, but one should consider the age and birthplace of the victim before making this assumption.<sup>7</sup>

*"Families do not want to discuss domestic violence in their homes because they feel it brings shame on the family name."*

---Advocate with Community Awareness  
on Domestic Violence Program of Boat  
People SOS, Inc.



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## *Hispanic Communities*

Virginia's Hispanic population is the second-largest minority population, totaling nearly 330,000, according to the 2000 U.S. Census. The population includes immigrants from such diverse countries as Mexico, Dominican Republic, Cuba, El Salvador, Honduras, and Guatemala, as well as from the U.S. territory of Puerto Rico.

Research on domestic violence in Hispanic communities have resulted in findings that are sometimes contradictory. While some reports find higher rates of abuse, others have found either lower rates or rates that are similar to the rate of domestic violence in other communities.<sup>8</sup> What can be stated with some degree of certainty is that rates of domestic violence among Mexican Americans vary according to immigration status, with Mexican Americans born in the United States reporting rates 2.4 times higher than those born in Mexico.<sup>9</sup>

### **Issues to Consider**

Recent immigrants may have lived in countries noted for police and military force, which may cause suspicions about the assistance available from enforcement agencies.<sup>10</sup> Levels of acculturation also figure prominently in other issues, such as language proficiency, knowledge of available services and laws, and rates of abuse. For example, one study that examined Hispanics in Mexican, Puerto Rican, and Cuban families found differences both in amount of abuse by subgroup as well as differences correlated with acculturation.<sup>11</sup>

*"Hispanic women do not try to access services because when they get there no one is able to speak to them in their native language . . .*

*It does no good to ask for help if no one understands you."*

---Volunteer, Galax, VA

## *Challenges to Effective Response*

Any criminal activity will pose its share of challenges to effective enforcement and prevention to that activity. Experienced law enforcement officers and community leaders alike believe that community involvement is the key to any effective plan to decrease crime and better serve the community.

Serving the above-described communities, however, can be made more difficult because of the presence of additional barriers and concerns of victims. These barriers may include:

- A failure to define abusive behavior as domestic violence.
- A reluctance to report because of the strong stigma associated with domestic violence or from fear of bringing shame to the family or to the community.
- Isolation due to geography or English language proficiency.
- Recent immigrants may be especially unfamiliar with the criminal justice system and unaware of their rights.
- Recent immigrants may fear deportation or otherwise fear getting involved with authorities.
- Refugees may have a greater incentive to maintain family unity and loyalty because of their unfamiliarity with the country and lack of any other ties to the community.
- The lack of appropriate services and other resources may prevent some victims from seeking help or the lack of awareness of available services.

## **A Failure to Define Behavior as Domestic Violence**

Cultural differences might account for differing ideas of what constitutes domestic violence. One of the few studies on this issue suggests that Asian women are least likely to define certain behavior as domestic violence.<sup>12</sup> Another study, however, found that women of Mexican descent did not consider such behaviors as being pushed, shoved, grabbed, or having things thrown at them as domestic violence.<sup>13</sup> Generally, acts such as hitting or verbal abuse had to occur more frequently to be considered abusive by Hispanic women.

## **A Reluctance to Report**

A survey conducted by the National Institute of Justice released in 1998 found that domestic violence was the crime least reported by immigrant communities.<sup>14</sup> Abusers may threaten to have the victim deported if the abuse is reported, even though the victim may be eligible to gain lawful permanent residency under the Violence Against Women Act (VAWA).<sup>15</sup> Other observers suggest that a fear of bringing shame on the family, the community, or oneself prevents many victims from reporting the abuse.

Another reason that victims may be reluctant to report is a lack of anonymity. Victims may live in close-knit and insular communities, where everyone knows everyone else. The lack of anonymity and fear of shame are powerful disincentives to reporting domestic violence.<sup>16</sup>

Cultural stereotypes may only worsen this problem. Asian victims of abuse may be sensitive to the "model minority" myth, while other minorities may wish not to contribute to the negative stereotypes attached to their communities.

In addition to the above issues of concern, some immigrants believe that the American system is too lenient and may believe that it is a waste of time to get involved.<sup>17</sup>

## **Unfamiliarity with the American Criminal Justice System**

Individuals from underserved communities, particularly recent immigrants, may be unfamiliar with the criminal justice system in the United States. Although language barriers may be partly to blame, many immigrants report that they do not understand court proceedings even when such barriers do not exist.<sup>18</sup> This unfamiliarity with the system may be used by the abuser to misinform the victim about possible protections under state or federal law.<sup>19</sup>

## **Isolation Due to Geography or English Language Proficiency**

Victims may be unable or unwilling to leave abusive relationships because of the lack of transportation or the inability to communicate effectively with the police, court personnel, or service providers. Such isolation also contributes to the lack of awareness of available services for many victims in underserved communities.

## **Lack of Specialized Services**

Despite a greater awareness of the multiple needs of victims in underserved communities, a lack of specialized services still exists in many areas. For example, a victim may have dietary or other needs that are unavailable at shelters or support groups may be offered only in English.<sup>20</sup> Victims may fear the isolation that may result from the lack of such services, and therefore, decide not to seek help.

## *Improving Response*

Law enforcement and other criminal justice agencies can improve their response by taking proactive steps to build trust and improve communication with underserved communities. Reports show that the likelihood to report is directly related to the extent to which a community is organized and is a part of the larger community.<sup>21</sup> To that end, any effort to help connect communities should be explored. The following are examples of practices to improve the response to underserved communities:

- Provide translators whenever possible and hire bilingual officers and support staff. Avoid using children as translators.
- Distribute written materials in other languages that describe available services. Make sure the translated material is understood by readers with limited reading abilities.
- Hold "open houses" and other events to interact with the community and to provide information about available services.
- Hire police liaisons to work with members of underserved communities. When possible, the liaison should be stationed in the neighborhood (in a satellite office) and should attend and hold regular meetings with the community.
- Attend training seminars that address cultural issues.
- Hold workshops to educate the community on immigration issues, the criminal justice system and court procedures.

# Notes

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2. Sherry L. Hamby, "The Importance of Community in a Feminist Analysis of Domestic Violence among American Indians," American Journal of Community Psychology 28, no. 5 (2000): 649 [cited 26 October 2003].
3. Ricardo Carrillo, and Jerry Tello, eds., *Healing the Wounded Male Spirit*, (New York: Springer, 1998), 13.
4. P. Tjaden and P. Thoennes, "Prevalence, Incidents, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey." (95-WT-NX-0005). Washington, D.C.: National Institute of Justice and Centers for Disease Control Prevention.
5. Karen A. McDonnell and Shamira E. Abdulla, Project AWARE, Asian/Pacific Islander Resource Project, Washington, D.C. (2003).
6. Ibid.
7. Mary P. Koss and Karen Hoffman, "20 Survivors of Violence by Male Partners: Gender and Cultural Considerations," in *Handbook of Gender, Culture, and Health* ed. Richard M. Eisler, and Michael Hersen, (Mahwah, NJ: Lawrence Erlbaum Associates, 2000), 478.
8. Ricardo Carrillo and Jerry Tell at 12.
9. Ibid. at 13.
10. Mary P. Koss, and Karen Hoffman at 475.
11. Ibid.
12. Karen A. McDonnell and Shamira E. Abdulla, Project AWARE. (2003), citing 1992 telephone survey.
13. Mary P. Koss and Karen Hoffman at 477.
14. U.S. Department of Justice, National Institute of Justice. (1998). Immigrant Populations as Victims: Toward a Multicultural Criminal Justice System. Washington, D.C.: Robert C. Davis and Edna Erez.
15. Heather Maher and Gail Pendelton, "Domestic Violence and Immigration

in the Criminal Justice System: Barriers Faced by battered Immigrants." ABA Commission on Domestic Violence.

16. Susan H. Lewis, "Unspoken Crimes: Sexual Assault in Rural America." National Sexual Violence Resource Center. (2003).

17. U.S. Department of Justice, National Institute of Justice. (1998).

18. Ibid.

19. ABA Commission on Domestic Violence.

20. Karen A. McDonnell and Shamira E. Abdulla, Project AWARE. (2003).

21. U.S. Department of Justice, National Institute of Justice. (1998).

# List of Resources

## **Asian Task Force Against Domestic Violence**

P.O. Box 120108

Boston, MA 02112

Phone: 617-338-2350

Email: [asiandv@atask.org](mailto:asiandv@atask.org)

Web: [www.atask.org](http://www.atask.org)

*The Asian Task Force Against Domestic Violence was founded in 1987 to address the need for multicultural and multilingual resources for Asian families facing domestic violence.*

## **Asian & Pacific Islander Institute on Domestic Violence**

450 Sutter Street, Suite 600

San Francisco, CA 94108

Phone: 415-954-9988, ext. 315

Email: [apidvinstitute@apiaf.org](mailto:apidvinstitute@apiaf.org)

Web: [www.apiahf.org/apidvinstitute](http://www.apiahf.org/apidvinstitute)

*The Asian & Pacific Islander Institute on Domestic Violence serves as a forum for and clearinghouse on information, research, resources and critical issues about violence against women in Asian and Pacific Islander communities.*

## **Asian (Women) Self-Help Association (ASHA)**

P.O. Box 34303

West Bethesda, MD 20827

Phone: 888-417-2742

Email: [ashainc@aol.com](mailto:ashainc@aol.com)

Web: [www.umiacs.umd.edu/users/sawweb/sawnet/asha.html](http://www.umiacs.umd.edu/users/sawweb/sawnet/asha.html)

*ASHA is a non-profit women's organization in the Washington D.C.- Baltimore metropolitan area providing support, information and guidance to women from India, Pakistan, Bangladesh, Nepal, Sri Lanka, and Bhutan. ASHA provides a forum where South Asian women can interact and share their experiences in a friendly and confidential atmosphere.*



**Tahirih Justice Center**

P.O. Box 7638

Falls Church, VA 22040

Phone: 703-237-4554

Email: [justice@tahirih.org](mailto:justice@tahirih.org)

Web: [www.tahirih.org](http://www.tahirih.org)

*The Tahirih Justice Center engages in litigation, public policy, and education and outreach to stop violence against women and children.*

**Boat People S.O.S.**

6400 Arlington Blvd., Suite 640

Falls Church, VA 22042-2336

Phone: 703-538-2190

Email: [bpsos@bpsos.org](mailto:bpsos@bpsos.org)

Web: [www.bpsos.org](http://www.bpsos.org)

*The Boat People S.O.S.'s Community Awareness on Domestic Violence Program is an outreach and education initiative that also provides services to victims of domestic violence.*

**National Latino Alliance for the Elimination of Domestic Violence**

P.O. Box 672, Triborough Station

New York, NY 10035

Phone: 800-342-9908

Email: [information@dvalianza.org](mailto:information@dvalianza.org)

Web: [www.dvalianza.org](http://www.dvalianza.org)

*The National Latino Alliance for the Elimination of Domestic Violence (Alianza) promotes understanding, sustains dialogue, and generates solutions to move toward the elimination of domestic violence affecting Latino communities.*

**AYUDA**

1736 Columbia Road, NW  
Washington, DC 20009  
Phone: 202-387-4848

*Ayuda, "help" in Spanish, is a nonprofit, community-based legal and social service agency serving the low-income Latino and foreign-born community in the D.C. metropolitan area. Ayuda helps to educate professionals on domestic violence and barriers faced by immigrants.*

**Native American Advocates Against Violence (NAAAV)**

Phone: 800-650-4767

*NAAAV is an advocacy group created to promote awareness and understanding of domestic and family violence in Virginia's native American communities.*

**Native American Circle, Ltd.**

P.O. Box 227  
Elgin, OK 73538  
Phone: 866-622-3872  
Email: [NAC@NativeAmericanCircle.org](mailto:NAC@NativeAmericanCircle.org)  
Web: [www.nativeamericancircle.org](http://www.nativeamericancircle.org)

*NAC's programs are designed to foster admiration of indigenous cultures and pride in cultural-connectedness, while fueling interest in recovering non-violent, traditional lifestyles in today's American Indian/Alaska Native communities. A comprehensive and customizable handbook is available free on its web site.*

**Project Hope at Quin Rivers Agency for Community Action**

104 Roxbury Industrial Center  
Charles City, VA 23030  
Phone: 804-966-5020 or 804-769-7776

*Project Hope is a non-profit organization that offers services to Native Americans in their service area.*

# Appendix

## *Violence Against Women Act Protections for Immigrant Victims of Domestic Violence*

Battered immigrants who are married or have been married to U.S. citizens or Lawful Permanent Residents (LPRs) are eligible to file for lawful permanent residency on their own behalf and on behalf of their children without the assistance or knowledge of an abusing spouse if they meet certain criteria.

### **Basic Requirements for the self-petitioning spouse include:**

1. Must be legally married to the abusive U.S. citizen or lawful permanent resident. A self-petition may be filed if the marriage was terminated by death or divorce related to the abuse within the two years prior to filing.
2. Must have been battered in the United States unless the abusive spouse is an employee of the United States government or a member of the uniformed services of the United States.
3. Must have been battered or subjected to extreme cruelty during the marriage, or must be the parent of a child who was battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident spouse during the marriage.
4. Must be a person of good moral character.
5. Must have entered into the marriage in good faith and not solely for the purpose of obtaining immigration benefits.

*Anyone who is a victim of family abuse is eligible to receive a protective order.*

*See 8 U.S.C. § 1154 or visit the U.S. Citizenship and Immigration Services website at [www.uscis.gov](http://www.uscis.gov) for more information.*

# Checklist For Reaching Underserved Communities

## 1. ASSESSING YOUR COMMUNITY

• SERVICE AREA: \_\_\_\_\_ (complete worksheet for each area served)

• POPULATION: \_\_\_\_\_

• ETHNICITY: (list percentages for different ethnicities)

• GENDER:

\_\_\_% Female \_\_\_% Male

• AGE:

F\_\_\_%/M\_\_\_% Over 65 years

F\_\_\_%/M\_\_\_% 50-64 years

F\_\_\_%/M\_\_\_% 35-49 years

F\_\_\_%/M\_\_\_% 20-34 years

F\_\_\_%/M\_\_\_% 13-19 years

F\_\_\_%/M\_\_\_% Under 12 years

• OTHER INFORMATION THAT IMPACTS THE DELIVERY OF SERVICES:

Literacy Level:

\_\_\_% Literate \_\_\_% Functionally Illiterate

Local Crime Statistics/Law Enforcement Reports (#)

\_\_\_\_\_ Assault (domestic violence)

\_\_\_\_\_ Aggravated assaults

\_\_\_\_\_ Sexual assault/rape

\_\_\_\_\_ Stalking

\_\_\_\_\_ Incest

\_\_\_\_\_ Child abuse

\_\_\_\_\_ Homicide

\_\_\_\_\_ Elder abuse

## 2. ASSESSING YOUR AGENCY/PROGRAM

(This data should be a compilation of all the services your agency or program provides in the service area.)

• PEOPLE SERVED (#):

\_\_\_\_\_ Women \_\_\_\_\_ Men \_\_\_\_\_ Children

• ETHNICITY OF VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVED:

• GENDER OF PEOPLE SERVED:

\_\_\_% Female \_\_\_% Male

• AGE OF VICTIMS SERVED:

\_\_\_% Over 65 years

\_\_\_% 50-64 years

\_\_\_% 35-49 years

\_\_\_% 20-34 years

\_\_\_% 13-19 years

\_\_\_% Under 12 years

• OTHER INFORMATION ABOUT PEOPLE THAT IMPACT THE DELIVERY OF SERVICES:

Literacy Level:

\_\_\_% Literate \_\_\_% Functionally Illiterate

### 3. COMMUNITY VS. AGENCY/PROGRAM COMPARISON

Conduct a side-by-side comparison of the statistics of your community and the service levels of your program. Where are the strengths? Where are gaps? What are the priority areas for outreach activities?

### 4. IDENTIFY PARTNERS FOR COLLABORATION

Based on Step #3, identify groups, agencies, and other organizations with which you can collaborate to reach the priority communities. Some of these groups may include: corporations, schools/universities, churches, media, health groups, immigration organizations, social services, employers, welfare agencies, workforce/training agencies, neighborhood centers, clubs, etc.

### 5. RECRUIT PARTNERS FOR COLLABORATION

### 6. HOLD MEETING WITH PARTNERS

*Adapted from information written by Debby Tucker and Christina Walsh  
of the National Center on Domestic and Sexual Violence*

*www.ncdsv.org*

## DOMESTIC VIOLENCE INTERVENTION

### *A Guide For Police Officers*

Approach incidents involving domestic violence just like any other crime. The purpose of this guide sheet is to assist you in handling a domestic violence incident involving individuals whose primary language is Spanish. It is not intended to be a substitute for qualified translators. Every effort should be made to have a person who can speak Spanish at the scene. If such a person is not available, use this guide. It is also advised that the officer tape record statements from all parties.

### ARRIVAL

I am \_\_\_\_\_. Soy \_\_\_\_\_. I am here to help. *Le ayudaré.* Someone called for assistance. *Alguién llamó por socorro?* May I come in? *¿Puedo entrar?*

If entry is refused: I need to come in or at least speak to the person who called 911. *Debo hablar a la persona que llamó 911.*

### ONCE INSIDE

Do you speak English? *¿Habla usted inglés?*

Who called 911? *¿Quién llamó 911?*

Are there children here? *¿Hay niños aquí? (¿Usted tiene niños en la casa?)*  
Where? *¿Dónde?*

Is anyone else inside the house? *¿Hay otra gente en la casa?*

Are guns in the house? *¿Hay armas en la casa?* Where? *¿Dónde?*

### INTERVIEWING BOTH PARTIES

Are you hurt? *¿Está usted lastimado?*

Let me take a picture of you. (Take a picture of injury). *Permita que tome una fotografía de usted.*

Are you married? *¿Están ustedes casados?* Are you living together?  
*¿Ustedes viven juntos?* Do you have children? *¿Tienen ustedes hijos?*

Contact the Office of the Attorney General for additional Domestic Violence Intervention Guides.

Office of the Attorney General  
Jerry W. Kilgore, Attorney General

## INTERVIEWING THE ALLEGED VICTIM

What happened? *¿Qué sucedió?*

Has this happened before? *¿Ha sucedido antes?* When? *¿Cuándo?*

Did he harm you? *¿Él le dañó?* Did she harm you? *¿Ella le dañó?*

Have you been threatened? *¿Le han amenazado?*

Have you called the police before? *¿Usted llamó a policía antes?*

Do you have a protective order? *¿Usted tiene una orden protectora?*

Have you had a protective order before? *¿Usted ha tenido una orden protectora antes?*

Do you want to go to the hospital? *¿Usted desea ir al hospital?*

Do you want to go to a shelter? *¿Usted desea ir a una casa segura?*

I will get you a protective order. *Le daré una orden protectora.*

*(Give the victim contact information for shelter, police, Commonwealth's Attorney, etc.)*

## INTERVIEWING THE ALLEGED OFFENDER

What happened? *¿Qué sucedió?*

Do you have a protective order against you? *¿Usted tiene una orden protectora contra usted?*

Have you had a protective order against you before? *¿Usted ha tenido una orden protectora contra usted antes?*

## OTHER WITNESSES/OTHER PHRASES

What did you see? *¿Qué vio usted?*

What's your name? *¿Cómo se llama usted?*

How old are you? *¿Cuántos años tiene usted?*

Speak more slowly, please. *Hable más despacio, por favor.*

Officers also should interview children, as well as gather additional evidence as necessary using their own observations.

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